

REMARKS

The Office Action of April 23, 2009 was received and carefully reviewed. Claims 1-29 are presently pending in the application with claims 19-25 being withdrawn from consideration. Consequently, claims 1-18 and 26-29 are pending for consideration with claims 1, 5, 9 and 13 being independent. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Initially, it is noted that claims 9-18, 28 and 29 are allowed by the Examiner and claims 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for the indication of allowable subject matter.

In the Office Action, claims 1-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,365,805 to Maekawa et al. (Maekawa). As noted previously, Maekawa, however, has the same inventors as those of subject application and thus is not the invention “by another.” Further, the subject U.S. application, which was filed on January 24, 2009 as an International application No. PCT/JP2005/001286, has two priority documents JP-2004-017583 and JP-2004-017608, and both priority dates of these documents are **January 26, 2004**. On the other hand, Maekawa was filed on January 21, 2005, which is earlier than the U.S. filing date of the subject application, but later than the filing dates of the Japanese priority documents. In accordance with the above remarks, Applicants respectfully request that the Maekawa reference be removed. Applicants intend to file translations of the priority documents and the verifications of the same. It should be noted that Applicants are presently preparing the translations for submission to the U.S. Patent and Trademark Office. Thus, it cannot be said that Maekawa anticipates the present invention, as claimed and the 102 rejection should be withdrawn.

Claims 2-4 and 26 depend from independent claim 1 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1.

Claims 6-8 and 27 depend from independent claim 5 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 5.

In addition, each of the dependent claims also recite combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention is not anticipated in view of the prior art reference cited against this application. Applicants therefore request the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicants in no way intend to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned agent at (202) 585-8100.

Respectfully submitted,

/Sean A. Pryor, Reg. #48103/
Sean A. Pryor

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080